



Governor
Janet Napolitano

**ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

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Board Members:
David M. Steinway, D.O., Pres.
Stanley J. Grossman, V.P.
Douglas Cunningham, D.O.
Arlene England, D.O.
Mary Ann Picardo, D.O.
Scott Steingard, D.O.
Jon B. Fiegen

Acting Director
Barbara Meyers

**DRAFT MINUTES OF THE PUBLIC BOARD MEETING
OF THE ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY**

Saturday, September 20, 2008

BOARD MEMBERS PRESENT: President David Steinway, D.O., Mr. Stanley Grossman, Douglas Cunningham, D.O., Arlene England, D.O. Mr. Jon B. Fiegen, Mary Ann Picardo, D.O., Scott Steingard, D.O.

STAFF / OTHERS PRESENT: Barbara Meyers, Acting Director
Barbara Prah, D.O., Medical Consultant
Beverly Alfson, Business/Licensing Manager
John O'Hair-Schattenberg, Investigator
Blair C. Driggs, Assistant Attorney General
Kathy Fowkes, Administrative Secretary
Doreen Borgmann, Certified Court Reporter

1. CALL TO ORDER

The Board President, Dr. David Steinway, called the meeting to order at 8:03 a.m.

2. ROLL CALL AND REVIEW OF AGENDA

The Acting Director took the roll. The Board Members listed above were present, establishing quorum for the meeting.

3. PRESIDENT'S REPORT AND CALL TO THE PUBLIC

- A. Dr. Steinway welcomed the 3rd year Medical Students – Arizona College of Osteopathic Medicine at Midwestern University and Kirksville College of Osteopathic Medicine at A.T. Stills University
- B. Dr. Steinway stated that the Board's custom is to ask members of the public to speak when the agenda item of interest to the person is called. If you want to address the Board on an issue not on the agenda, you will be asked to speak prior to the adjournment. All people wishing to speak should fill out a speaker form and give it to a staff member.

4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

- A. Open Session Minutes July 26, 2008.

MOTION: Dr. Steingard moved to accept the minutes as amended. Mr. Fiegen seconded.

ROLL CALL VOTE: Motion carried unanimously.

- B. Executive Session Minutes July 26, 2008

MOTION: Dr. Steingard moved to accept the minutes. Mr. Fiegen seconded.

ROLL CALL VOTE: Motion carried unanimously.

5. REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855 (C through F).

Case Reviews Consent Agenda:

The cases in this block (Agenda items A, B, F, and G) were reviewed and included in a single vote by the Board:

| | | | |
|----|----------------------|---------------|------------------|
| A. | Leslie Edison, D.O. | Case No. 3981 | License No. 2491 |
| B. | Bonnie Goodman, D.O. | Case No. 4019 | License No. 1920 |
| F. | Don Anderson, D.O. | Case No. 4040 | License No. 2428 |
| G. | Michael Barry, D.O. | Case No. 3920 | License No. 2782 |

MOTION: Dr. Steingard moved for DISMISSAL. Dr. Picardo seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Cunningham | Dr. England | Mr. Fiegen | Dr. England | Dr. Steingard |
|---------|------|--------------|--------------|----------------|-------------|------------|-------------|---------------|
| YES | 7 | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 0 | | | | | | | |

ROLL CALL VOTE: Passed unanimously 7-0.

Case Reviews:

| | | | |
|----|------------------------|---------------------|------------------|
| C. | Wendell Phillips, D.O. | Case No. DO-08-4078 | License No. 2226 |
|----|------------------------|---------------------|------------------|

Dr. Phillips was present and answered all questions posed by the Board.

MOTION: Dr. England moved for DISMISSAL. Dr. Cunningham seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Cunningham | Dr. England | Mr. Fiegen | Dr. England | Dr. Steingard |
|---------|------|--------------|--------------|----------------|-------------|------------|-------------|---------------|
| YES | 7 | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 0 | | | | | | | |

ROLL CALL VOTE: Motion passed unanimously 7-0.

| | | | |
|----|-----------------------|---------------------|------------------|
| D. | Michael Seivert, D.O. | Case No. DO-08-4083 | License No. 2109 |
|----|-----------------------|---------------------|------------------|

Dr. Seivert was present and answered all questions posed by the Board.

MOTION: Dr. England moved for DISMISSAL. Mr. Grossman seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Cunningham | Dr. England | Mr. Fiegen | Dr. England | Dr. Steingard |
|---------|------|--------------|--------------|----------------|-------------|------------|-------------|---------------|
| YES | 7 | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 0 | | | | | | | |

ROLL CALL VOTE: Motion passed unanimously 7-0.

E. Bruce Takahashi, D.O. Case No. 3987 License No. 3133

MOTION: Dr. Steinway moved for DISMISSAL. Dr. Picardo seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Cunningham | Dr. England | Mr. Fiegen | Dr. England | Dr. Steingard |
|---------|------|--------------|--------------|----------------|-------------|------------|-------------|---------------|
| YES | 7 | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 0 | | | | | | | |

ROLL CALL VOTE: Motion passed unanimously 7-0.

Dr. Steinway directed staff to refer this case to the Arizona Medical Board regarding psychiatric care of patient.

H. William Higgins, D.O. Case No. 4022 License No. 1260

MOTION: Dr. Steinway moved for DISMISSAL. Mr. Grossman seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Cunningham | Dr. England | Mr. Fiegen | Dr. England | Dr. Steingard |
|---------|------|--------------|--------------|----------------|-------------|------------|-------------|---------------|
| YES | 6 | X | X | X | | X | X | X |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |

| | | | | | | | | |
|--------|---|--|--|--|---|--|--|--|
| ABSENT | 1 | | | | X | | | |
|--------|---|--|--|--|---|--|--|--|

ROLL CALL VOTE: Motion passed 6-0, with Dr. England not present.

I. Steven Wallach, D.O. Case No. 4017 License No. 2113

MOTION: Mr. Grossman moved for an INVESTIGATIVE HEARING. Mr. Fiegen seconded.

ROLL CALL VOTE: Motion passed 6-0, with Dr. England not present.

J. James Lash, D.O. Case No. 4014 License No. 2493

MOTION: Dr. Steingard moved for DISMISSAL. Motion was not seconded. Dr. Steingard withdrew his motion.

SECOND MOTION: Dr. Steingard moved for an INVESTIGATIVE HEARING. Grossman seconded.

ROLL CALL VOTE: Motion passed 7-0.

K. Douglas Snow, D.O. Case No. 3953M License No. 3088

MOTION: Dr. Steingard moved for an INVESTIGATIVE HEARING. Mr. Grossman seconded.

ROLL CALL VOTE: Motion passed 6-0 with Dr. England not present.

L. Kenneth Stephan, D.O. Case No. 4021 License No. 1087

MOTION: Dr. Steinway moved for DISMISSAL. Dr. Picardo seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Cunningham | Dr. England | Mr. Fiegen | Dr. England | Dr. Steingard |
|---------|------|--------------|--------------|----------------|-------------|------------|-------------|---------------|
| YES | 6 | X | | X | X | X | X | X |
| NO | 1 | | X | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 0 | | | | | | | |

ROLL CALL VOTE: Motion passed 6-1 with Mr. Grossman dissenting.

M. Richard Bruce

MOTION: Mr. Grossman moved for an INVESTIGATIVE HEARING. Mr. Fiegen seconded.

ROLL CALL VOTE: Motion passed 7-0.

N. Clark York, D.O. Case No. 3991M License No. 2697

MOTION: Dr. Steinway moved for an INVESTIGATIVE HEARING. Mr. Grossman seconded.

ROLL CALL VOTE: Motion passed 7-0.

O. Barbara Newman, D.O. Case No. 3975 License No. 3904

Dr. Newman was present and answered all questions posed by the Board.

MOTION: Dr. Steingard moved for DISMISSAL. Mr. Fiegen seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Cunningham | Dr. England | Mr. Fiegen | Dr. England | Dr. Steingard |
|---------|------|--------------|--------------|----------------|-------------|------------|-------------|---------------|
| YES | 7 | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 0 | | | | | | | |

ROLL CALL VOTE: Motion passed 7-0.

P. Guy Merz, D.O. Case No. DO-08-4070 License No. 2710

Dr. Steinway directed staff to refer to PA Board.

MOTION: Dr. England moved for a LETTER OF CONCERN pursuant to A.R.S. § 32:1854(34) for failure of oversight of Physician Assistant. Dr. Picardo seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Cunningham | Dr. England | Mr. Fiegen | Dr. England | Dr. Steingard |
|---------|------|--------------|--------------|----------------|-------------|------------|-------------|---------------|
| YES | 7 | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 0 | | | | | | | |

ROLL CALL VOTE: Motion passed 7-0.

Q. Brent Hansen, D.O. Case No. 3940M License No. 4183

Dr. Hansen was present and answered all questions posed by the Board.

MOTION: Dr. England moved for DISMISSAL. Dr. Steinway seconded.

ROLL CALL VOTE: Motion failed 5-2 with Dr. Steingard, Dr. Picardo, Mr. Fiegen, Dr. Cunningham, and Mr. Grossman dissenting.

The Board further discussed the issue, and Dr. Hansen answered more questions posed by the Board.

SECOND MOTION: Dr. Steingard moved for a LETTER OF CONCERN for operating on the wrong extremity. Mr. Fiegen seconded.

ROLL CALL VOTE: Motion failed 4-3 with Dr. Picardo, Dr. Cunningham, Dr. England and Dr. Steinway dissenting.

THIRD MOTION: Dr. Cunningham moved for DISMISSAL. Dr. Picardo seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Cunningham | Dr. England | Mr. Fiegen | Dr. England | Dr. Steingard |
|---------|------|--------------|--------------|----------------|-------------|------------|-------------|---------------|
| YES | 4 | X | | X | X | | X | |
| NO | 3 | | X | | | X | | X |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 0 | | | | | | | |

ROLL CALL VOTE: Motion passed 4-3, with Dr. Steingard, Mr. Fiegen, and Mr. Grossman dissenting. Mr. Grossman stated for the record his opinion that "a Letter of Concern needs to be in the file on this issue."

R. Bernard Susavage, D.O. Case No. 3795M License No. 1768

MOTION: Dr. Steinway moved for an INVESTIGATIVE HEARING. Mr. Grossman seconded.

ROLL CALL VOTE: Motion carried 7-0.

S. Ian Parker, D.O. Case No. 4042 License No. 4176

MOTION: Dr. Steinway moved for an INVESTIGATIVE HEARING. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 7-0.

T. Phyllis Popp, D.O. Case No. 4015 License No. 2654

MOTION: Dr. Steingard moved for an INVESTIGATIVE HEARING, Mr. Grossman seconded.

ROLL CALL VOTE: Motion carried 7-0.

U. David Hatfield, D.O. Case No. 3997A License No. 2913

Dr. Hatfield was present and answered all questions posed by the Board.

MOTION: Dr. Steinway DISMISSAL. Dr. Cunningham seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Cunningham | Dr. England | Mr. Fiegen | Dr. England | Dr. Steingard |
|---------|------|--------------|--------------|----------------|-------------|------------|-------------|---------------|
| YES | 6 | X | X | X | X | | X | X |
| NO | 1 | | | | | X | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 0 | | | | | | | |

ROLL CALL VOTE: Motion passed 6-1, with Mr. Fiegen dissenting.

V. Scott Hatfield, D.O. Case No. 3997B License No. 3764

Dr. Hatfield was present and answered all questions posed by the Board.

MOTION: Mr. Grossman moved for a LETTER OF CONCERN with CONTINUING MEDICAL EDUCATION in the area of appropriate history & physicals and documentation; recommendation to staff to review records and standard operating procedures at Dr. Hatfield's office. Dr. England seconded.

ROLL CALL VOTE: Motion failed 4-3, with Dr. Cunningham, Mr. Fiegen, Dr. Picardo and Dr. Steingard dissenting.

SECOND MOTION: Dr. Steingard moved for an INVESTIGATIVE HEARING, prior to which Board staff is directed to review 20 medical charts in Dr. Hatfield's office to assess the following: H&P, documentation, prescribing practices with/without proper blood work; and also to review office policies and procedures. Cunningham seconded.

ROLL CALL VOTE: Motion passed unanimously 7-0.

Dr. Steinway directed to staff to refer this case to the Nursing Board.

6. REVIEW, CONSIDERATION, AND ACTION ON APPLICATIONS FOR LICENSURE PURSUANT TO A.R.S. § 32-1822; PERMITS PURSUANT TO A.R.S. § 32-1829; AND RENEWALS OF LICENSES PURSUANT TO A.R.S. § 32-1825 (C-D) AND A.A.C. R4-22-109.

A. Steven Locnikar, D.O. Application for Licensure

The Acting Director reviewed the applicant's current status. Dr. Locnikar answered all questions posed by the Board. Dr. Steinway directed staff to draft a Consent Agreement and interview Dr. Mendelson, as well as obtain information regarding medical malpractice insurance.

B. POSTPONED

C. Jeffrey A. Buckau, D.O. Application for Licensure

The Acting Director reviewed the applicant's current status. The Board requested Dr. Buckau to explain his professional history. The Board chose to table this case for further investigation.

7. CONSIDERATION AND ACTION ON COMPLIANCE WITH TERMS OF BOARD ORDERS AND REQUESTS TO MODIFY OR TERMINATE ORDERS, PURSUANT TO A.R.S. 32-1855 (E) AND (I)

A. Janet Pragit, D.O. Case No. 3926 License No. 4719

Dr. Pragit was present. The Acting Director reviewed the case. Dr. Pragit answered all questions posed by the Board. The Board took no action on the request.

8. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855 (E) ONLY.

A. Raymond Schneider III, D.O. Case No. 3846 License No. 1683

Dr. Schneider was present and sworn in. John Clark, Esq. was present on behalf of ExpressCare, Inc. Cindy Wade, administrator for ExpressCare, was also present and sworn in. The Investigator summarized the case. Dr. Schneider, Ms. Wade and Mr. Clark answered all questions posed by the Board.

MOTION: Dr. Steingard moved for DISMISSAL. Dr. Cunningham seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Cunningham | Dr. England | Mr. Fiegen | Dr. England | Dr. Steingard |
|---------|------|--------------|--------------|----------------|-------------|------------|-------------|---------------|
| YES | 6 | X | | X | X | X | X | X |
| NO | 1 | | X | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 0 | | | | | | | |

ROLL CALL VOTE: Motion passed 6-1, with Mr. Grossman dissenting.

B. Stephen McKay, D.O. Case No. 3852 License No. 3941

Dr. McKay was present and sworn in. Mr. Fred Cummings, Esq. was present as counsel for the Respondent. The Acting Director reviewed the case.

MOTION: Dr. Steingard moved for DISMISSAL. Dr. Cunningham seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Cunningham | Dr. England | Mr. Fiegen | Dr. England | Dr. Steingard |
|---------|------|--------------|--------------|----------------|-------------|------------|-------------|---------------|
| YES | 7 | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 0 | | | | | | | |

ROLL CALL VOTE: Motion passed 7-0.

C. Stephen McKay, D.O. Case No. 3955 License No. 3941

This case is reported in section 9A of these minutes.

D. POSTPONED

E. POSTPONED

F. Gene Carsia, D.O. Case No. 3932 License No. 3325

Dr. Carsia was present and sworn in. The Medical Consultant reviewed the case. Dr. Carsia answered all questions posed by the Board. This case was tabled until the Board-ordered neuro-psychological evaluation has been completed.

G. POSTPONED

H. POSTPONED

I. David Chisholm, D.O. Case No. 4025 License No. 4283

Complainant and family were present and answered all questions posed by the Board. Dr. Chisholm was present, sworn in, and answered all questions posed by the Board.

MOTION: Dr. Steingard moved for DISMISSAL with 10 hours CONTINUING MEDICAL EDUCATION for patient communication, to be approved by the Acting Director and completed within 6 months. Dr. Cunningham seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Cunningham | Dr. England | Mr. Fiegen | Dr. England | Dr. Steingard |
|---------|------|--------------|--------------|----------------|-------------|------------|-------------|---------------|
| YES | 6 | X | X | X | | X | X | X |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | X | | | |

ROLL CALL VOTE: Motion passes 6-0 with Dr. England absent.

J. POSTPONED

K. Jack Hawks, D.O. Case No. 3872 License No. 4049

Dr. Hawks was present with counsel Ivan Mathew, Esq. as well as an expert witness, Steven Boles, DO. The two doctors were sworn in. The Investigator reviewed the case. Mr. Mathew addressed the Board. Dr. Hawks and Dr. Boles answered all questions posed by the Board.

MOTION: Dr. Steinway moved for a LETTER OF CONCERN pursuant to (A.R.S. § 32:1854(6)(38) & (36) for inappropriate prescribing which put a patient at potential risk, and with non-disciplinary CONTINUING MEDICAL EDUCATION in Pain Management, and with a Board staff review of 30 charts in office to assess the following: adequate evaluation and documentation, appropriate labs, and appropriate pain management contracts. Dr. Steingard seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Cunningham | Dr. England | Mr. Fiegen | Dr. England | Dr. Steingard |
|---------|------|--------------|--------------|----------------|-------------|------------|-------------|---------------|
| YES | 7 | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 0 | | | | | | | |

ROLL CALL VOTE: Motion passed 7-0.

L. Teresa Borchers, D.O. Case No. DO-08-4087 License No. 3681

Dr. Borchers was present and was sworn in. Also present was Michael Ryan, Esq. as counsel for the Respondent. The Investigator reviewed the case. Dr. Borchers and counsel answered all questions posed by the Board.

MOTION: Dr. Steingard moved for DISMISSAL. Dr. England seconded.

ROLL CALL VOTE: Motion failed 4-3, with Dr. Steingard, Mr. Fiegen, Dr. Cunningham and Dr. Steinway dissenting.

Dr. Steinway directed staff to poll Arizona counties regarding standard of care involving an OB physician brokering an adoption of a patient's unborn child, including during labor. Staff was directed to contact CPS in each county as well as local and rural adoption agencies throughout Arizona to assess rule, policy and law regarding this issue. This case was tabled until the next Board meeting.

M. Michael Nowak, D.O. Case No. 4000 License No. 4575

Dr. Nowak and counsel Stephen Myers, Esq. were present and reminded that they were under oath (see Agenda item 8N which was heard before 8M). James Balducci, M.D. and Charles Rolle, M.D. were also present and reminded that they were under oath. The Medical Consultant reviewed the case. Dr. Nowak answered all questions posed by the Board.

MOTION: Dr. Steingard moved for DISMISSAL. Dr. Cunningham seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Cunningham | Dr. England | Mr. Fiegen | Dr. England | Dr. Steingard |
|---------|------|--------------|--------------|----------------|-------------|------------|-------------|---------------|
| YES | 7 | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 0 | | | | | | | |

ROLL CALL VOTE: Motion passed 7-0.

N. Michael Nowak, D.O. Case No. 4043 License No. 4575

Dr. Nowak was present with counsel Stephen Myers, Esq., and was sworn in. The Medical Consultant reviewed the case regarding patient R.H. Dr. Nowak addressed the Board and answered all questions posed by the Board.

Jenniene L. Foster, M.D. was present with counsel Cal Raup, Esq. and was sworn in. Dr. Foster addressed the Board and answered all questions posed by the Board.

The Board adjourned for a short break at 11:07 a.m.
The Board returned to open session at 11:17 a.m.

Dr. Steinway directed staff to refer this case to the Arizona Medical Board with regard to Dr. Foster's care.

Charles Rolle, M.D. was called as a witness by the respondent's attorney, and was sworn in. Dr. Rolle addressed the Board and answered all questions posed by the Board.

James Balducci, M.D. was called as a witness by the respondent's attorney, and was sworn in. Dr. Balducci addressed the Board and answered all questions posed by the Board.

Board recessed to Executive Session at 11:55 a.m.
Board returned to Open Session at 11:58 a.m.

The Medical Consultant reviewed the case regarding patient S.S. Dr. Nowak addressed the Board and answered all questions posed by the Board. Dr. Rolle and Dr. Balducci both briefly addressed the Board regarding patient S.S.

MOTION: Dr. Steingard moved for DISMISSAL. Dr. Steinway seconded for the purpose of discussion. The Board further discussed the case. Dr. England stated that the twin delivery was mismanaged on many counts. Dr. Steingard stated the opinion that the staff in the room wasn't prepared.

ROLL CALL VOTE: Motion failed 1-6, with Mr. Grossman, Dr. England, Dr. Cunningham, Mr. Fiegen, Dr. Picardo, and Dr. Steinway dissenting.

SECOND MOTION: Dr. England moved for DECREE OF CENSURE pursuant to A.R.S. § 32:1854(6)(38) for failure to act on a high risk delivery, loss of control of operating circumstances, rupturing membranes with the fetus' head unengaged, which caused the problem of a prolapsed cord, which caused the need for an emergency C Section, compounded by the decision to do a classic C-Section without any anesthesia, rather than wait the 1 to 3 minutes it took for the anesthesiologist to arrive. The case was mismanaged. Mr. Grossman seconded.

ROLL CALL VOTE: Motion failed 1-6 with Mr. Grossman, Dr. Cunningham, Dr. Picardo, Dr. Steingard, Mr. Fiegen and Dr. Steinway dissenting.

THIRD MOTION: Dr. Steingard moved for a LETTER OF CONCERN pursuant to A.R.S. § 32:1854(6)(38) for failure to act on a high risk delivery, loss of control of operating circumstances, rupturing membranes with the fetus' head unengaged, which caused the problem of a prolapsed cord, which caused the need for an emergency C Section, compounded by the decision to do a classic C-Section without any anesthesia, rather than wait the 1 to 3 minutes it took for the anesthesiologist to arrive. The case was mismanaged. Mr. Grossman seconded.

| | | | | | | | | |
|--|------|--------------|--------------|----------------|-------------|------------|-------------|---------------|
| | | | | | | | | |
| | Vote | Dr. Steinway | Mr. Grossman | Dr. Cunningham | Dr. England | Mr. Fiegen | Dr. England | Dr. Steingard |

| | | | | | | | | |
|---------|---|---|---|---|---|---|---|---|
| YES | 7 | X | X | X | | X | X | X |
| NO | 0 | | | | X | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 0 | | | | | | | |

ROLL CALL VOTE: Motion passed 6-1, with Dr. England dissenting.

Board adjourned for lunch at 12:50 p.m.

Board returned to open meeting at 1:30 p.m.

9. REVIEW, CONSIDERATION AND POSSIBLE VOTE ON CONSENT AGREEMENT

A. Stephen McKay, D.O. Case No. 3955 License No. 3941

Dr. McKay was present and sworn in. Mr. Fred Cummings, Esq. was present as counsel for the Respondent. Blair Driggs, A.A.G., reviewed the case and presented the Consent Agreement for the Board's discussion.

MOTION: Dr. Steingard moved to accept the proposed Consent Agreement with the amendment of limiting Dr. McKay's work hours to 20 hours a week, to be reassessed after 3 months employment. Dr. Picardo seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Cunningham | Dr. England | Mr. Fiegen | Dr. England | Dr. Steingard |
|---------|------|--------------|--------------|----------------|-------------|------------|-------------|---------------|
| YES | 7 | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 0 | | | | | | | |

ROLL CALL VOTE: Motion passed 7-0.

B. Jodi Novak, D.O. Case No. DO-08-4094 License No. 3620

Dr. Novak was present. The Acting Director reviewed the case. Dr. Novak answered all questions posed by the Board. This case was tabled until further information is obtained from both the Respondent and Mr. Driggs.

10. Executive Director Search

A. Selection of candidates for interview

Amanda Weaver, Director of AOMA, addressed the Board.

The Board recessed to Executive Session at 6:13 p.m.

The Board returned to open session at 6:26 p.m.

11. EXECUTIVE DIRECTOR REPORT:

A. Financial Report

The Acting Director reported on the current status of the proposed funds sweep from the Arizona Osteopathic Board.

12. CORRESPONDENCE WITH THE BOARD:

- A. Letter from Scott Holden, Attorney, re Heidi Holland, DO/Case No. 3935

The Board recessed to Executive Session at 5:05 p.m.
The Board returned to Open Session at 5:14 pm

The Board took no action.

13. REVIEW OF COMPLAINT PROCESS

- A. Mary Ann Picardo, D.O. to provide update

14. ADJOURNMENT

The Board adjourned at 6:27 p.m.

Dated this 6th day of October, 2008.


Barbara Meyers, Acting Director